

APPENDIX U

MEMORANDUM OF UNDERSTANDING BETWEEN
TAHOE REGIONAL PLANNING AGENCY AND
WP NATURAL GAS OF SOUTH TAHOE

May 1992

This Memorandum of Understanding is entered into this 22nd day of May, 1992, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and WP NATURAL GAS (WPNG), by and through its Construction Manager.

All activities described in this Memorandum of Understanding (MOU) shall be in accordance with the Regional Plan package of TRPA as adopted by Ordinance No. 87-9, as amended from time to time. Activities exempt under this MOU shall not result in the creation of additional land coverage, relocation of existing coverage, or an increase in vehicle trips in excess of that otherwise exempt pursuant to Subsection 4.3.A of the TRPA Code. All activities undertaken by WPNG pursuant to this MOU shall comply with applicable Best Management Practices (BMPs), and all provisions of the TRPA Code of Ordinances (Code), as it may be amended from time to time, except for the procedural provisions replaced by this MOU, and such guidelines as may be adopted by TRPA.

I. EXEMPT ACTIVITIES

The following activities of WPNG, in addition to those exempt pursuant to Section 4.2. of the TRPA Code, are not subject to review and approval by TRPA provided any related excavation, filling or backfilling work does not exceed 10 cubic yards (unless modified below), occurs during the grading season (May 1 to October 15) in land capability districts 4 through 7 and/or within an existing paved area, and the site is stabilized and/or revegetated within 72 hours to prevent erosion.

A. GENERAL ACTIVITIES

1. Repair and replacement of existing facilities such as pipes, fittings, meters, service connections, valve access enclosures, regulator station vaults, fenced enclosures, meter set assemblies, and property line regulator assemblies, provided there is no increase in size or capacity and the replacement facilities are similar in type and function. -

2. Install new service connections, valves, meter set assemblies, and property line regulator assemblies for TRPA-approved projects, and for existing improved properties which are converting to natural gas fuel, provided there is no increase in development potential.
3. Locate existing underground lines and appurtenances.
4. Repair emergency leaks at any time provided all repair work is conducted within land capability districts 4 through 7 and/or within an existing paved roadway or compacted road shoulder.
5. Installation of roadside warning signs related to construction/maintenance activities or needed for safety purposes, provided signs are removed within 10 business days following completion of the activities, or within 10 business days of the removal of the safety hazard.

II. QUALIFIED EXEMPT ACTIVITIES

The following activities of WPNG are not subject to review and approval by TRPA, provided WPNG certifies, on a form provided by TRPA, that the activity does not result in the creation of additional land coverage or relocation of land coverage, excavation, filling or backfilling does not exceed 25 cubic yards (unless modified below), occurs during the grading season (May 1 to October 15) in land capability districts 4-7 and/or within an existing paved area, the site is stabilized and/or revegetated within 72 hours to prevent erosion, and the activity is in conformance with the applicable provisions of the TRPA Code. The statement shall be filed with TRPA at least five working days before the activity commences. For those activities involving in excess of 25 cubic yards of excavation (as provided below), WPNG shall submit the statement to TRPA at least 30 days before the activity commences. The following activities are in addition to those activities deemed "Qualified Exempt" pursuant to Section 4.3 of the TRPA Code.

A. GENERAL ACTIVITIES

1. Repair or replace existing gas lines and service connections for a distance of not more than 2,000 lineal feet, provided all excavation is within an existing road right-of-way or easement, there is no increase in capacity, relocation of main lines is within existing paved areas or compacted road shoulders, the amount of excavation is the minimum necessary, and all stockpiling of spoil material is accomplished in accordance with TRPA BMPs.

2. Install new gas lines and service connections for a distance of not more than 750 lineal feet to intertie existing facilities or extend service to TRPA-approved projects or to existing improved properties which are converting to natural gas fuel, provided all excavation is within an existing road right-of-way or easement, there is no increase in capacity or development potential, the amount of excavation is the minimum necessary, and all stockpiling of spoil material is accomplished in accordance with TRPA BMPs.

III. TREATMENT AND ACCOUNTING OF COVERAGE

It is understood by WPNG and TRPA that the activities set forth herein may result in a requirement to mitigate existing excess coverage. Further, some of the activities may involve removal of existing land coverage or restoration of disturbed lands.

Chapter 38 of the Code provides for the accounting, tracking, and banking of coverage in conjunction with Chapter 20. WPNG shall report to the Executive Director of TRPA annually on the status of compliance with all excess coverage mitigation, coverage removal and restoration requirements as related to all activities undertaken pursuant to this MOU.

IV. LOSS OF EXEMPTION

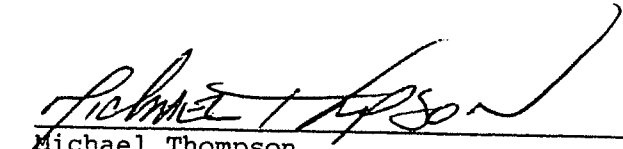
Any exempt activity set forth herein shall be considered a project requiring TRPA review if the Executive Director determines that the activity may have a substantial effect on the land, air, water, space, or any other natural resource in the Region.

V. TERMINATION

This MOU may be terminated by either party upon sixty (60) days notice in writing.

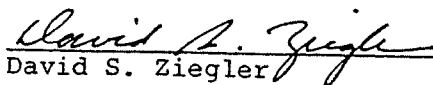
WP NATURAL GAS

DATED: JUNE 15, 1992


Michael Thompson
Construction Manager

TAHOE REGIONAL PLANNING AGENCY

DATED: JUNE 12, 1992


David S. Ziegler
Executive Director